

MGJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Letters Patent Appeal No. 270 of 2006
with
Civil Application No. 498 of 2004

Nalanda Usha Colony
Cooperative Housing Society
Ltd. ..Appellant

vs.

K.K.Khandelwal & ors. ..Respondents

Shri S.P.Trivedi i/b M/s A.Bharat & Co. for
appellant.
Smt.Shah for respondent i/b M/s Pradnya
Gandhi and Co. for respondent nos. 1 to 3.

**CORAM: S.B.MHASE &
Smt.NISHITA MHATRE JJ.
27th February, 2007**

P.C.

1. Heard.

2. Perused the order passed by the learned single Judge on 20th July, 2004 which is challenged in this L.P.A. The main ground raised was in respect of the membership of the respondents. However, there was no objection raised in respect of the membership and no evidence in this respect was led before the Trial Court. The issue was for the first time raised before the learned single Judge. On perusal of the order we find that exhaustive evidence and material has been considered by

the learned single Judge in the light of the submission made by the learned Counsel. No interference is called for. L.P.A. is hereby rejected.

3. In view of rejection of the L.P.A. civil application does not survive and hence rejected.

(Smt.NISHITA MHATRE J.)

(S.B.MHASE J.)